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APPLICANT: ROBB ET AL.

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Examiner: Matthew S Gart

For: Recursive Method and System for Accessing Classification Information

DECLARATION UNDER 37 CFR 1.132

Honorable Commissioner of Patents and Trademarks

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Sir:

I, ANNE E. ROBB declares that:

1. I am a co-inventor of and familiar with the present U.S. Patent Application Serial No. 09/755,442 Filed 01/05/01 which claims the benefit of the priority to U.S. Provisional Application <number> filed <date> in the name of Anne E. Robb, Larry Fortna, Ronald A. Biritz which is entitled: Recursive Method and System for Accessing Classification Information, and I am familiar with the Official Actions dated August 14, 2003 and March 18, 2004 issued therein and with the prior art references cited in the Official Actions, including www.bidz.com, 1999-05-08 (full text) Waybackmacine.com [online – http://web.archive.org/web/*/http://bidz.cpm] retrieved on 2003-8-4 and Wolfe U.S. patent No. 6,282,517.

2. I received a Bachelor of Science Degree in Computer Engineering Technology from the University of Central Florida in late 1987. Since mid 1989 I have been a Telecommunications Software Engineer for a corporation that is now Siemens ICN. My status is a Senior Engineer Level III (or Distinguished Member of Technical Staff). During my career I have primarily worked on User Interfaces, DBMS, and Database design and implementation for various Telecommunication products. The User Interface technology I have been involved with has included the following protocols and technologies – CLI, SNMP, XML, HTML, OMCI, and Proprietary protocols.

I have been an inventor and co-inventor of three United States Patents. These Patents primarily involved the User Interface area.

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3. The claimed invention was reduced to practice prior to January 5, 2001. I was one of the primary participants and acted as a go between for the knowledge (requirement) engineer and the software engineers.

4. The invention is encompassed by subject invention claim 1 of "A method of accessing classification information on a web based system until a finite selection point is achieved...the second subcategory headings being solely listed in a single vertical column on the third menu page with separate subcategory headings solely on each line...by scrolling down the single vertical column on the third menu page...by solely scrolling down only one single vertical column on each successive menu page, until the user reaches an end of a menu series to a finite selection list of a classification that is listed in a single vertical column.". The invention is further defined by subject claim 3 of "...navigating and viewing the menu pages through handheld device selected from at least one of a pager, a cell phone, and a PDA". The invention is further defined by subject claim 7 of "...wherein the first subcategory headings include: headings for: makes, items, services." The invention is further defined by subject invention claim 8 of "...solely listing the first subcategory page headings on the second page in a single vertical column and selecting from the single vertical column of the first subcategory by scrolling down there through". The invention is further defined by subject invention claim 9 of "...solely filtering and sorting the finite selection list of the classification into a filtered and sorted list and viewing the filtered and sorted list, wherein the filtering and sorting only occurs at the finite selection.

The invention is further defined by subject invention claim 12 of "...wherein the user is at least one of: a buyer and seller, each having an interest at least one of: a good, a make, an item, and a service. The invention is further defined by subject invention claim 14 of "...requesting an unlisted item from web based system by a buyer-user, unlisted item being for at least one of: a good, a make, an item and a service". The invention is further defined by subject invention claim 16 of "...instantly notifying the buyer-user through at least one of a pager, an email, a cell phone, and a PDA, when the unlisted item has been placed by a seller-user...".

The invention is further defined by subject invention claim 20 of "...allowing the external user to dynamically update at least one of the category headings and the first subcategory headings". The invention is further defined by subject invention claim 21 of "...dynamically updating by the external end user includes the step of: adding and deleting from one of the at least one of the category headings, and first sub-category headings by the external end user to the web based system." The invention is further defined by subject invention claim 22 of "...dynamically updating by the external end user includes the step of: expanding listing viewable data both horizontally and vertically by external end user to the web based system."

The invention is further defined by subject invention claim 23 of "...solely filtering and sorting only the finite selection list of the classification into a filtered and sorted list by the external end user to the web site...".

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The invention is further defined by subject invention claim 24 of "...requesting an unlisted item from the web based system by the buyer-user...that is currently not available on the web based system; instantly notifying the buyer-user through when the unlisted item has been immediately placed by seller-user to the web based system,..." The invention is further defined by subject invention claim 25 "...the step of instantly notifying the buyer-user includes the step of: notifying the buyer-user through a handheld device selected..."

The invention is further defined by subject invention claim 26 of "...determining the status of the external end-user from the buyer to the seller, or from the seller to the buyer, at the selection list menu of the classification, and eliminating having to again enter information on at least the first selected category headings and the second selected subcategory headings". The invention is further defined by subject invention claim 27 of "...wherein the original status of the end-user is a buyer, and the determined status of the external end-user at the finite selection list is switched to a seller, and including the steps of: filling in only extra data information on a listing..."

The invention is further defined by subject invention claim 28 of "...selectively placing banner advertisings on limited menu pages after the first main menu page, so the external end-user view the banner ads only on the selected subsequent menu pages of the web based system." The invention is further defined by subject invention claim 29 of "...selectively placing step further includes the step of: determining placement of banner ads on the selected menu pages to the web site by the sellers to the web based system."

5. In order to more fully understand the invention, a definition of the recursive vertical menu series process and creation will be described and the key features of the invention will be discussed.

The reason for this invention was to provide a mechanism that could generate successive menus to locate an item in a timely manner regardless of the type of item. Therefore, the mechanism could be applied to any type of logically ordered data (like or unlike) and deliver output (menus) using the desired protocol and/or medium.

There are three significant internal components to this invention: 1) A database with two major components. A spreadsheet-like formatted table that is the main data source for the logically ordered data that is translated to a node-based structured used to deliver a series of menus that can be infinite or lead to a finite end point for locating specific object/information/etc. 2) A Control id mechanism that provides a method to control and determine when/what behaviors should be applied in a menu series and once an end point is reached. 3) A recursive software engine that interfaces with the node-based structured component of the database to retrieve the menu content (based on the previous node selected) and apply required behaviors. The recursive software engine requires no knowledge of the data processing due to the node-based structure and control id mechanism.

The recursive software logic is a common mechanism that interfaces with the node-based structured component of the database to generate a series of menus. The node id of the selected item is used to determine the content of the next menu in the menu series, therefore the recursive algorithm does not require any knowledge of the selections that lead up to the current selected item. Only the node

associated with a menu selection is needed by the software program to generate the next menu in a series, therefore allowing the capability of an infinite series of menus or a finite end point for the user. This invention provides a method of narrowing the criteria of an item to a narrow finite point, so the user is not bogged down with items that do not meet their criteria.

The results of the recursive software logic can be reformatted in various formats such as XML, HTML, or WAP protocols. Therefore the invention provides a menu driven technology that is accessible via conventional computers, laptops, cellular phones, and PDAs using the same recursive logic and node-based structured database. Therefore, this invention provides a vertical menu driven technology that can be accessed via conventional computers, laptops, cellular phones, and PDAs using the same recursive logic and node-based structured database. (Claim 3)

The recursive algorithm does not have any knowledge of the type of data generating, therefore the database only needs to be updated to alter the content of a menu series or add an entirely new menu series. The menu series provided to the user is entirely dependent on the database content and not on the software programming. This invention provides a method that can support any type of information having an orderly classification of objects, where knowledge engineers are used to apply "expert categorization" of the like and unlike data.

The invention generates the initial menu (categories) for a system that may contain like and unlike data. Then the invention generates the second menu (referred to as subcategories for this invention) based on the selected category. (Claim 1)

For this invention the subcategory menu is a **key menu** for any category, because the 'subcategory menu' provides the foundation for the logical ordering of a category. The subcategory menu selections are **not** finite endpoints. The subcategory menu selections allow the category to be 'entered' from a purposeful point for the category, therefore providing a logical and structured flow through the category. For the invention the example of a subcategories menu is "makes, items, and services" which allowed for a structured and logical flow through categories such as Automobiles, Boats, etc. (Claims 7, 8, 12, and 14)

After the category-subcategory selection the intent of the invention is to generate the successive type/subtype menus one at a time, where a menu selection leads to another logical level based solely on the previous selection. Due to the recursive nature of this invention the content of a menu cannot be generated until the previous selection is made within a menu series, therefore this invention provides a strict menu hierarchy method regardless of the type of data presenting to the user. (Claim 1)

The menu series for all categories are presented solely in a vertical format on the left side of the page, therefore provides a simple display format (for visual fluidity for the user) that can be applied to any kind of logically ordered data. The intent of this invention from the beginning was to display the menu series pattern in a vertical format that is conducive to displays with limited character widths (PDAs, cell phones etc.). The single column vertical format is a significant element of this invention based on the

recursive nature of the invention (one logical layer generated at a time) and the flexible intent of the invention's use with hand held devices, conventional computers etc. (Claim 1,8)

The control id mechanism of this invention provides a method to allow external users to dynamically grow or reduce the taxonomy. The mechanism can allow the user to add or remove a category and allow a menu to be grown vertically (add a new menu item to a menu) or horizontally (add new logical layer(s) to a menu series) via user input (dynamic growth). The control id mechanism allows the flexibility of allowing or disallowing dynamic growth on a per menu basis across categories. The dynamic growth characteristic of the invention is significant because it allows the user to play an active role in growing/completing the taxonomy (hierarchy of a menu series) based on the users knowledge. (Claim 20, 21, 22)

The control id mechanism provides a method to determine the behaviors required once a menu end point is reached (e.g. which form to display). This characteristic of the invention is significant because it allows the inventions single software mechanism (recursive software logic) to handle like and unlike data that requires different end results.

The node-based structure of the system allows the user to traverse the taxonomy **across** user types (e.g. buyer and seller). This is a important feature of the invention because it provides a means for a user to change user types at any time without **loosing** their place in a menu series, therefore a user does not have to start the selection process over when changes user types. When the user type is seller the invention assists the user by filling in the knowledge base of the item based on the menu selections. This limits errors and expedites the users required input. (Claim 26, 27)

The invention provides the user with a method to filter and sort the finite list provided at the end of a menu series for the specific item seeking, where the filtering and sorting mechanism is tailored (by way of the control id mechanism) to the type of item found. This characteristic of the invention provides a user with a tailored filtering and sorting mechanism targeted only at the items found at the end of a menu series. The tailored filtering/sorting method in combination with the inventions capability for narrowing the criteria of an item to a narrow finite point provides a very powerful method for pin pointing the exact item a user is seeking. (Claim 9, 23)

This invention provides a method for the user to seek an item that is not currently present in the system by allowing the user to request to be notified on a desired device (cell phone, e-mail, P.D.A.) with the users own alphanumeric terms. Provides a method to enter a request for an instant notification at the end of a finite selection, therefore the criteria is automatically filled in and assures the user of a successful notification for the specific item seeking (e.g. Buyer seeking a specific type of automobile). A user can request unlimited notifications against the same type of item and/or different item. (Claim 14, 16, 24, 25)

The inventions node based structure provides a method that allows for certain information to be displayed (ex. Notes, Banner ads) at specific locations in the taxonomy, therefore the software program does not require the knowledge of the specific banners to be displayed. (Claim 28, 29)

6. I am familiar with Bidz.com version 1999-05-08 which was cited with the filing of the present patent application. I have thoroughly studied the Bidz.com version cited and compared it to the instant invention's claims. The Bidz.com version cited was not known prior to or during the investigation, creation, or implementation of the invention.

7. I have reviewed the Wolfe U.S. patent No. 6,282,517 which describes a real time communication of purchase requests. My focus for reviewing this patent was based on the portion of the invention described in column 16, lines 20-45. The Wolfe U.S. patent No. 6,282,517 was not known prior to or during the investigation, creation, or implementation of the invention.

8. Based on my examination of the Bidz.com version 1999-05-08 I disagree with the statements in the Official Action dated March 18, 2004 that "Claims 1-2, 6-9, 12-14, and 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bidz.com…".

(Claim 7,8,12,13) Based on Bidz.com it is not obvious for a menu series to have an initial sub-category list that provides the foundation for the logical ordering of a category from that point forward for the user (e.g. Makes, Items, Services) as provided by the invention. The reason for this opinion is that the initial Sub Categories list for Bidz contains a mixture of non-endpoint and end-point selections and multiple levels of selection. For example the Sub category list for "Books, Movies, Music" contains selections of categories with the initial list of subcategories (Books, Movies, Music), subcategories with the next set of subcategories (Magazines), subcategories that have no further subcategories (Nintendo, Sega, Sony Play Station, Misc.), and the next set of subcategories (selections under Books, Movies, Music, Magazines). Due to the existence of the broad format of selections presented to the user (as described in the previous sentence) in the initial subcategory list (especially the categories and the end-point subcategories) it is reasonable to conclude that Bidz does not contain a initial subcategory list that provides the foundation for the logical ordering of categories prior to moving forward through the site to reach a finite endpoint as provided by the invention.

(Claim 1,8) It is my opinion that it cannot be determined based solely on the Bidz site that Bidz overall operation of the method would not be modified to provide a vertical logically ordered menu system as provided by the invention. In the contrary based on my experience as a software engineer it is most likely that Bidz overall operation of the method would have to entirely change to produce a vertical logically ordered menu system where each menu only contains one logical level of selections at a time and can continue infinitely if so desired. Simply changing the specific layout and configuration of columns and headings for Bidz would by far not accomplish the software required to maintain and produce a vertical logically ordered menu system where each menu only contains one level of selections at a time. The main basis for this conclusion is the layout of the selection lists in Bidz, in particular the initial "Sub Catergory"

list. As stated above for Claims 7,8,12,13 the initial "Sub Catergory" list provides a broad format of selections. Upon examination of the categories of Bidz it was noted that this broad format of selections in the initial "Sub Category" list is used across categories in Bidz, therefore it can be concluded that the initial "Sub Category" list for Bidz represents the basis of the method for Bidz. Based on this observation the altering of the Bidz to produce a vertical logically ordered menu system where each menu only contains one logical level of selections at a time and can continue infinitely if so desired, would break away from the method that Bidz illustrates. Therefore, it is my opinion that the vertical logically ordered menu system as provided by the invention could not be derived/deduced from the Bidz reference.

(Claim 14, 24, 25) In my opinion there is no obvious indication in Bidz (page 5) that indicates a buyer-user can request to be notified when a certain unlisted item is entered into the system.

(Claim 20, 21,22) In my opinion there is no obvious indication in Bidz (page 8 – 13) that indicates a user can dynamically grow/reduce categories and first subcategory lists or dynamically grow menus both vertically or horizontally.

(Claim 26, 27) In my opinion there is no obvious indication in Bidz that indicates a user can switch from one user type to another without loosing their place in a menu series.

(Claim 28, 29) In my opinion there is no obvious indication that the method for Bidz has the capability of selectively placing banners based on the menu series content.

9. Based on my examination of the Bidz.com version 1999-05-08 and Wolfe U.S. patent No. 6,282,517 (column 16, lines 20-45). I disagree with the statements in the Official Action dated March 18, 2004 that claims "Claims 3 and 16 are rejected under 35 U.S.C 103(a) as being unpatentable over Bidz.com...in view of Wolfe U.S. patent No. 6,282,517".

(Claim 3) In my opinion the method used by Bidz.com is not conducive of a menu driven technology that can be applied via hand held devices (cellular phones, PDAs..). The Bidz.com method produces output that are prohibitive for use on hand held devices (page size, layout, text length etc.) such as PDAs, cell phones etc. If Bidz were displayed on a hand held device the site would be in such haphazard order as to not be readable. It is obvious when looking at Bidz.com that the method was not invented to apply to hand held devices because of the various combinations of vertical columns and horizontal listings, the inconsistent position of the vertical listings across pages (categories in the middle of the page, subcategories double columned etc.), the inconsistent size of the text font across listings, the layering of selections on one page (subcategory with next set of selections on one page).

The arguments provided for 'Claim 1 and 8' and 'Claim 7,8,12, and 13' above also provide further basis to why the Bidz method could not be applied to a hand held device, since these arguments inidicate a vertical logically ordered menu system (required for hand held devices) could not be deduced from Bidz.
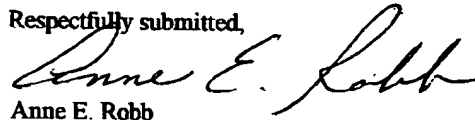
It is my opinion that one of ordinary skill looking at Bidz and in view of Wolfe column 16, lines 20-45 would not deduce a vertical menu driven technology that can be applied to hand held devices.

(Claim 16) It is not obvious in Bidz (as stated above for Claim 14) for a buyer-user is notified when an unlisted item is entered. It is my opinion that one of ordinary skill looking at both Bidz and Wolfe

column 16, lines 20-45 would not deduce a method of notifying a buyer-user through at least one of a pager, an e-mail, a cell phone, and a PDA, when the unlisted item seeking has been placed by the seller-user to the web based system, which matches the unlisted item.

10. I further declare that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or under Section 1001 of Title 18 of United States Code, and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Dated: July 25, 2004   Anne E. Robb

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